App. F. IX-4

Previous References.

194/ .

(Cb-)

File No. 218-41

Serial Nos. 1-2

Later References.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Civ only

Part B for March 42

SUBJECT.

Amendment to paragraph 249 of the Civil Rules of Practice Vol I re: the issue of warrants for the arrest of Officials employed in the Postal Department

Order No P 4458 dt 26.3.42

To

The Registrar H.C

Sanction -

C. G. Vajravelu
6.5.42

5119
P.

General and Revenue Secretariat | File No. | of 194 | [App. F. III-2

Serial No.

OFFICE OF THE MINISTER FOR LAW
MAR 25 1942
No. 9742

From
The Registrar High Court
No Rec 962 /41-42 Dt 19-3-1942

Requests Sanction to amend paragraph 249 of the Civil Rules of Practice Vol I So as to enable a Civil Court to issue a warrant for the arrest of Officials employed in the postal department.

A Statement embodying the existing rule on the subject and the rule as proposed to be amended by the High Court is placed below. The amendments proposed are indicated in red ink.

A draft of a G.O. Sanctioning is also laid herewith for approval or other orders

SECY. LAW DEPT. 2458 21 MAR 1942 GOVT OF MYSORE

CSR 24/3

If G.O. may be approved
Law Secretary) 3
24/3/

May be approved
Minister for Law) Hm 2 24.3.42

Rec 25/3 3 24/3/42

Hm 2 25.3.42

3 27/3

NOTE—Cont. Sheet.

WD 04155—GPB—55,000—23-10-41

No File No. 218 of 1941. General and Revenue Secretariat

Serial No. 2

To Govt Regr. High Court.
Some Ltrs dtd 28.3.42
sanctioned

B
29/4/42

5719/941

R. O. C. No. 962/41/42
D. Dis.
Encl one

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,
Bangalore, 18 March *1942.*

69

FROM

N. SAMAIENGAR, Esq., B.A., LL.B.,
~~N. SAMAIENGAR, ESQ., B.A., LL.B.,~~
Registrar, High Court of Mysore.

C 218-41-1

To

H.V. NARAYANA RAO, Esq., B.A., LL.B.,
Secretary to the Government of Mysore,
Law Department, BANGALORE.

SECY. LAW DEPT. 19 MAR 1942 GOVT. OF MYSORE

SIR,

12/3/1

I am directed to state that in regard to the issue of warrants for the arrest of officials employed in the Postal Department no provision is made in the existing rules for previous notice being given to the immediate official superior of the person to be arrested, while due provision is made in paragraph 249 of the Civil Rules of Practice (printed at pages 82-83) for giving seven days' notice to the immediate official superior in the case of a public servant, a Railway or a Telegraph Official.

2. In order to make it convenient to the Postal Department for necessary arrangements being made before an official of the Postal Department is arrested, it is proposed by the High Court to amend the rule as set out in the enclosure. (enclosed to this)

3. I am to request that the Government may be pleased to sanction the amendments.

I have the honour to be,
Sir,
Your most obedient servant,

N. Samaiengar

REGISTRAR.

ale

G. R. S. App. F VI—G 2]

SUBJECT .....

.....

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Diary No. of letter replied to .....

Section. C5

File No. 218-4

Serial No. 2.

General and Revenue Secretariat

( )

the 193 .

Proceedings of the Government of His Highness the Maharajah of Mysore

Date of issue 28/3/42 193 .

Signed by Dr. K.S.S.

Read—1)

Letter No. Roc. 962/41-42 dt 19.3.1942 from the Registrar High Court stating that in regard to the issue of warrants for the arrest of officials employed in the postal department no provision ~~Order thereon. No.~~ is made in the existing rules for previous notice being given to the immediate official superior of the person to be arrested while due provision is made in paragraph 249 of the Civil Rules of Practice Vol I

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

for giving seven days' notice to the immediate Official Superior in the Case of a public Servant, a Railway, or a Telegraph Official and that in order to make it Convenient to the Postal Dept for necessary arrangements being made before an Official of the postal department is ordered it is proposed by the High Court to amend the rule as set forth in the appended Statement and requesting Sanction thereto

List of Enclosure

Order P 4258/Estt/Gl 28.3.42

Sanctioned

Copied by 1028

Examined by 27/3/42

Hm 24.3.42

Secy to Govt
Law Dept

To
The Registrar High Court

WD 0564—GPB—22,500—9-1-39

The High Court proposes to make the following amendments to paragraph 249 on pages 82 and 83 of the Civil Rules of Practice and Circular Orders, Volume I (1936):-

(1) Insert a comma and the word "postal" after the word "railway" in the first sentence.

(2) Insert the following sentence immediately before the last sentence of the paragraph, viz:-

"In the case of a postal official the term shall be deemed to mean the Superintendent of Post Offices concerned".

N. Samaiengnl
REGISTRAR.

Leg to Govt
Law Dept.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Read:-

Letter No.R.O.C.962/41-42 dated 19th March 1942 from the Registrar, High Court, stating that in regard to the issue of warrants for the arrest of officials employed in the postal department no provision is made in the existing rules for previous notice being given to the immediate official superior of the person to be arrested, while due provision is made in paragraph 249 of the Civil Rules of Practice, Volume No.I, for giving seven day's notice to the immediate official superior in the case of a public servant, a Railway or a telegraph official and that in order to make it convenient to the Postal Department for necessary arrangements being made before an official of the Postal Department is arrested, it is proposed by the High Court to amend the rule as set out in the appended statement and requesting sanction thereto.

Enclosure 1.

O R D E R No.P. 4458 Cs-218-41-2

Dated, Bangalore, the 28th March 1942.

S A N C T I O N E D.

SECRETARY TO GOVERNMENT.
LAW DEPARTMENT.

To--The Registrar, High Court of Mysore.

TN)
27/3.

ANNEXURE.

Amendments to paragraph 249 on pages 82 and 83 of the Civil Rules of Practice and Circular Orders, Volume I (1936):-

(1) Insert a comma and the word "postal" after the word "railway" in the first sentence.

(2) Insert the following sentence immediately before the last sentence of the paragraph, viz:-

"In the case of a postal official the term shall be deemed to mean the Superintendent of Post Offices concerned".

XXX

For Secretary to Government,
Law Department.

TN-2)
27/3.

Paragraph 249 of the Civil Rules of practice Vol I

Existing Rule

Before a Warrant is issued by a Civil Court for the arrest of a public servant or of a railway or telegraph official, resident in the State, Seven days' notice shall be given to the immediate official superior of the person to be arrested. In the case of a railway official the term "immediate official superior" shall be deemed to include a railway official of the rank of Station Master, Foreman, or Inspector, but one not one of lower rank. In the case of a telegraph official the term shall be deemed to mean the Superintendent of Telegraphs, Bangalore Division.

Paragraph 249 of the Civil Rules of practice Vol I

Rule as proposed to be amended

Before a Warrant is issued by a Civil Court for the arrest of a public servant or of a railway, postal or telegraph official, resident in the State, Seven days' notice shall be given to the immediate official ~~superior~~ superior of the person to be arrested. In the case of a railway official, the term "immediate official superior" shall be deemed to include a railway official of the rank of Station Master, Foreman or Inspector but not one of lower rank. In the case of a postal official the term shall be deemed to mean the Superintendent of Post Offices Concerned. In the case of a telegraph official the term shall be deemed to mean the Superintendent of Telegraphs Bangalore Division.